

COLWELL'S SUIT GETS A BLACK EYE.

It Comes in the Shape of
a Reversal of His De-
cree of Divorce.

GOES TO A NEW REFEREE.

One Pretty Girl, in an Audience
of Men Only, Heard the
Evidence Yesterday.

DR. TINKER PLACED ON THE STAND

He Was Subjected to a Rigid Cross-
Examination Which Lasted Six
Hours—Ruling on the Hypo-
thetical Question.

Three events, separated by long intervals,
disseminated for a moment yesterday
the heavy evil images which the trial of the
suit of F. L. Colwell against Dr. Charles
A. Tinker provoked.

The first event, the presence of one girl
in the audience, packed together and
often nudged by the witnesses' realism,
impressed one as a delicate figure suddenly
discovered in a forest of Gothic gargoyles.

She was beautiful. She had under long
black eyebrows blue, assassinating eyes
which she never lowered, and it was so
astonishing that she came to stay that
many persons heedlessly laughed aloud.
None knew her and all were discreet
enough not to ask her to tell her name or
why she came.

The second event sent a thrill through
the judge and the lawyers. These were
called by him to learn in whispers that the
decrees of divorce granted to Frederick L.
Colwell, the decree which prompted his
suit against Dr. Charles A. Tinker for dam-
ages estimated at \$50,000, had just been
reversed by a decision of the Appellate
Division of the Supreme Court.

The suit continues—it could not be in-
terrupted or adjourned—but the opinion of
the Court, rendered by Justice Van Brunt
and Justice Patterson, the latter dissent-
ing, will, if Dr. Tinker's attorney may
do as he wishes, counterbalance before the
jury the weight of the decree which the
referee awarded against Genevieve L. Col-
well.

Mr. Colwell had testified that he had
learned from personal examination the in-
utility of the treatment which Dr. Tinker
said was the reason for his call on Mrs.
Colwell on the night of January 7, 1895.

The Appellate Court decides that Mr. Col-
well's statement in that respect is incompe-
tent and of no value. The Court's re-
versal sends the case to another referee
with costs to the appellant.

The third startling event in yesterday's
trial was Judge Bischoff's refusal to allow
the famous hypothetical question, which, in
brief, is: "If you were guilty, would you,
to save a woman's honor, perjure yourself
and deny?"

Mr. Colwell's attorney put the question in
two different forms to Dr. Tinker, but the
doctor's lawyer objected each time with
the same haughty formula, "What would
become of the niceties of polite manners,
if such an inquiry were permissible?"

Judge Bischoff approved.
Dr. Tinker was submitted to the most
painstaking cross-examination for six hours
at least, and his behavior was calm, almost
sympathetic. He had to remember dates of
the month and days of the week of years
ago. His habit of professional supposes
was shown to him and put in evidence
to contradict him, induced with details
and dates of his calls on the Colwell
family.

Mr. Colwell was careful not to pay for
services which had not been rendered. Dr.
Tinker had charged in one bill \$115, and
Mr. Colwell's attorney almost convinced
him that he had committed an error in
grammar, at least, but the fault was in
construction, and Dr. Tinker had allowed
a rebate of \$15 to Mr. Colwell.

The cross-examiner went over Dr. Tinker's
testimony of yesterday without making any
witness discredit it, and the cross-ex-
aminer's work was done so painfully that
Judge Bischoff reproached him twice for
being too slow.

"Who let you in Mrs. Colwell's house
about midnight, January 7, 1895?" the
cross-examiner asked.

"Mrs. Colwell," Dr. Tinker replied.
"How was she dressed?"
"In a woolen gown."

"Was the door burst in suddenly?"
"Yes."
"What did you say?"
"Nothing."

"If the door was burst in suddenly, it
was locked; if it was locked, why was it
locked?" asked the seventh juror.

"If it was locked," Dr. Tinker replied,
"I don't know why it was. I didn't
lock it."

"Did Mrs. Colwell lock it?" asked Mr.
Colwell's lawyer.

"I don't know. It may have been locked
from the outside," Dr. Tinker replied.

The case is to be continued looking into
the defense will try to prove by Mrs.
Colwell's deposition that Mr. Colwell had no other
cause of irritation against her than that she
liked Japanese art objects and cabbage
soup, while he, Colwell, stood for chicken
with cress, and classic furniture.

MADE FUN OF THE BRIDE.

Then Barber Gasco Got Angry and Stabbed
His Tormentor.

Garrato Gasco, who describes himself as
"select barber and hair cutting artist,"
married Miss Lorenzo two weeks ago. The
bride is a trifle old, but her fund of com-
mon sense, Gasco says, makes up for that
drawback.

His cousin, Joseph Isola, of No. 2335 Pa-
cific street, called to see him in his flat at
Stone avenue and Pacific street, Brooklyn,
Thursday night. Mrs. Gasco entered the
sitting room and Gasco introduced her to
his cousin.

This is my bride," he said.

The latter laughed right in her face and
asked Gasco:

"Where did you get her? She is old
enough to be your mother-in-law."

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